



THE CITY OF SAN DIEGO

MEMORANDUM

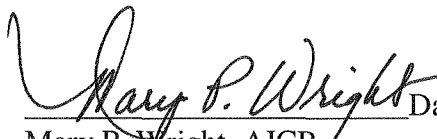
DATE: December 2, 2009

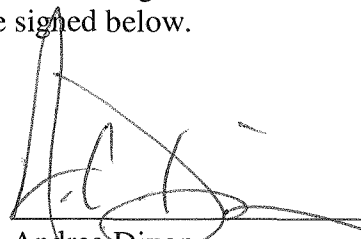
TO: Tom Hebrank, Chair, Kensington-Talmadge Planning Group

FROM: Mary P. Wright, City Planning & Community Investment and
Andrea Dixon, Office of the City Attorney

SUBJECT: Approval of an amendment to the Kensington-Talmadge Planning Group bylaws

The Kensington-Talmadge Planning Group bylaws amendment has been reviewed and determined to be in conformance with the provisions of City of San Diego (City) Council Policy 600-24 (Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups). The Council Policy 600-24 requires each community planning group, as a condition of official recognition by the City, to submit a copy of its own operating procedures and responsibilities, otherwise known as "bylaws." Amendments may be approved by the Mayor's office and the City Attorney's office if determined to conform to Council Policy 600-24. The amended bylaws have been reviewed and approved by the City Attorney's office and the City Planning & Community Investment department, acting on behalf of the Mayor's office. The bylaws are effective as of the last and final date signed below.


Date: 12/2/09
Mary P. Wright, AICP
Deputy Director
City Planning & Community Investment


Date: 12.3.09
Andrea Dixon
Deputy City Attorney

MPW/MG/bt:sa

Attachments: Kensington-Talmadge Planning Group Bylaws

Kensington-Talmadge Planning Group Bylaws
May 16, 2008
Amended 10-14-09; Approved by City 12-2-09

ARTICLE I **Name**

- Section 1. The official name of this organization is the Kensington-Talmadge Planning Group.
- Section 2. All activities of this organization shall be conducted in its official name.
- Section 3. The community planning area boundaries for the Kensington-Talmadge Planning Group are the boundaries of the Kensington-Talmadge community, as shown on Exhibit A: Kensington-Talmadge Planning Group Boundary Map.
- Section 4. Meetings of the Kensington-Talmadge Planning Group shall be held within these boundaries, except that when the Kensington-Talmadge Planning Group does not have a meeting facility within its boundary that is accessible to all members of the public, they may meet at the closest meeting facility.
- Section 5. The official positions and opinions of the Kensington-Talmadge Planning Group shall not be established or determined by any organization other than the planning group, nor by any individual member of the planning group other than one authorized to do so by the planning group.

ARTICLE II **Purpose of Community Planning Group and General Provisions**

- Section 1. The Kensington-Talmadge Planning Group has been formed and recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff, and other governmental agencies on land use matters, specifically concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to the Kensington-Talmadge community boundaries. The planning group also advises on other land use matters as requested by the City or other governmental agency.
- Section 2. In reviewing individual development projects, the Kensington-Talmadge Planning Group should focus such review on conformance with the adopted community plan and/or the General Plan. Preliminary comments on projects may be submitted to the City during the project review process. Whenever possible, the formal planning group recommendation should be submitted no later than the end of the public review period offered by the environmental review process. Upon receipt of plans for projects with substantive revisions, the planning group may choose to rehear the project and may choose to provide a subsequent formal recommendation to the City.

- Section 3. All activities of the Kensington-Talmadge Planning Group shall be nonpartisan and nonsectarian and shall not discriminate against any person or persons by reason of race, color, sex, age, creed or national origin, or sexual orientation, or physical or mental disability. In addition, meeting facilities must be accessible to disabled persons.
- Section 4. The Kensington-Talmadge Planning Group shall not take part in, officially or unofficially, or lend its influence in, the election of any candidate for political office. Elected members shall not identify affiliation with a planning group when endorsing candidates for public office. The planning group may take a position on a ballot measure.
- Section 5. Pursuant to the provisions of *City Council Policy 600-5*, the Kensington-Talmadge Planning Group's failure to respond to the City's request for input on the preparation of, adoption of, implementation of, or amendment to, the General Plan or a community, precise, or specific plan, or failure to review and reply to the City in a timely manner on development projects shall result in the forfeiture of rights to represent the Kensington-Talmadge community for these purposes. Such a determination resulting in the forfeiture of rights to represent the community for these purposes shall be made only by the City Council upon the recommendation of the Mayor's Office.
- Section 6. The Kensington-Talmadge Planning Group operates under the authority of the Ralph M. Brown Act which requires that meetings of the planning group are open and accessible to the public. In addition, *Council Policy 600-24* "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups" and these bylaws govern the operations of the planning group. Several provisions of these bylaws constitute Brown Act requirements as outlined in the Policy. In addition, the Administrative Guidelines provide explanations of the Policy's minimum standard operating procedures and responsibilities of this planning group. Robert's Rules of Order Newly Revised is used when the Policy, the Administrative Guidelines, and these bylaws do not address an area of concern or interest.
- Section 7. The Kensington-Talmadge Planning Group may propose amendments to these bylaws by majority vote of the elected members of the planning group. Proposed amendments shall be submitted to the offices of the Mayor and City Attorney for review and approval. Any proposed amendments that are inconsistent with *Council Policy 600-24* shall not be approved by the Mayor and City Attorney and shall be forwarded to the City Council President who shall docket the matter for Council consideration. Bylaw amendments are not valid until approved by the City.

ARTICLE III Community Planning Group Organizations

Section 1. The Kensington-Talmadge Planning Group shall consist of 15 elected members to represent the community. Refer to Article IV Vacancies, and Article V Elections of the Kensington-Talmadge Planning Group Bylaws, herein. These members of the planning group shall constitute the officially recognized community planning group for the purpose of these bylaws and *Council Policy 600-24*.

Section 2. *Council Policy 600-24* requires that elected members of the Kensington-Talmadge Planning Group shall, to the extent possible, be representative of the various geographic sections of the community and diversified community interests.

On the Kensington-Talmadge Planning Group elected seats are filled by any eligible member identified below. There is no further restriction on the distribution of seats among interests in the community;

Planning group members shall be elected by and from eligible members of the community. To be an eligible community member an individual must be at least 18 years of age, and shall be affiliated with the community as a:

- (1) property owner, who is an individual identified as the sole or partial owner of record, or their designee, of a real property (either developed or undeveloped), within the community planning area, or
- (2) resident, who is an individual whose primary address of residence is an address in the community planning area, or
- (3) local business person, who is a local business or not-for-profit owner, operator, or designee at a non-residential real property address in the community planning area.

In addition to the above *Council Policy 600-24* requirements, within the Kensington-Talmadge community, an individual may become an eligible member of the community and demonstrate eligibility to vote by:

- (1) documenting attendance through attendance records held by the Kensington-Talmadge Planning Group Secretary and confirmed by the Election Subcommittee by the end of the February meeting prior to the March election; and
- (2) submitting a Kensington-Talmadge Planning Group Registration Form to the Secretary, as shown in Exhibit B in the Kensington-Talmadge Planning Group Bylaws, herein; and

(3) providing one's personal documentation, as specified in Article VIII, Section 1 (e) (iii), to be verified by the Election Subcommittee at the time of voting at the March election.

Once eligibility to vote is established, an individual remains an eligible member of the community until a determination is made that the individual does not meet the planning group's criteria and formal action is taken by the planning group. However, the Kensington-Talmadge Planning Group shall require proof of eligibility during elections.

Section 3. Members of the Kensington-Talmadge Planning Group shall be elected to serve for fixed terms of two years with expiration dates during alternate years to provide continuity.

No person may serve on the planning group for more than eight consecutive years.

The eight year limit refers to total maximum consecutive years of service time, not to individual seats held.

After a one-year break in service as a planning group member, an individual who has served for eight consecutive years shall again be eligible for election to the planning group.

The planning group will actively seek new members to the extent feasible. If not enough new members are found to fill all vacant seats the planning group may retain some members who have already served for eight consecutive years to continue on the planning group without a break in service. Refer to *Council Policy 600-24* Article III, Section 4 for further clarification.

Section 4. A member of the Kensington-Talmadge Planning Group must retain eligibility during the entire term of service.

Section 5. A member of the Kensington-Talmadge Planning Group found to be out of compliance with the provisions of *Council Policy 600-24* or the planning group's adopted bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS, and any future amendments thereto.

Section 6. Some provisions of these bylaws constitute requirements under the Brown Act, as outlined in *Council Policy 600-24*. A member of the Kensington-Talmadge Planning Group who participates in a meeting of the planning group where actions are alleged to have been in violation of the Brown Act may be subject to civil or criminal consequences.

ARTICLE IV Vacancies

Section 1. The Kensington-Talmadge Planning Group shall find that a vacancy exists upon receipt of a resignation in writing from one of its members or upon receipt of a written report from the planning group's secretary reporting the third consecutive absence or fourth absence in the 12-month period of April through March each year, of a member(s) from the planning group's regular meetings. If it is the Secretary who has the absences, then the Chairperson shall issue the written report.

Section 2. Vacancies that may occur on the Kensington-Talmadge Planning Group shall be filled not later than 120 days following the date of the determination of the vacancy. The term of office of any member filling a vacancy shall be for the balance of the vacated term.

The Kensington-Talmadge Planning Group shall fill vacancies within 120 days from the time the vacancies are declared by the Secretary. Vacancies shall be filled by appointment by the planning group Chairperson, subject to a majority vote confirmation by the elected members of the planning group within 120 days from the date the vacancies are declared by the Secretary at a regular noticed meeting.

Section 3. When the Kensington-Talmadge Planning Group is unable to fill a vacancy within 120 days, as specified above, and the planning group has more than twelve members, either the seat may remain vacant until the next planning group election, or these bylaws may be amended to permit decreased membership to a minimum of 12 members. If a vacancy remains for more than 60 days from the time a vacancy is declared, and there are less than 12 elected planning group members in good standing, the planning group shall report to the City in writing the efforts made to fill the vacancy. If, after 60 additional days, the planning group membership has not reached 12 members, the planning group will be deemed inactive until it has attained at least 12 members in good standing.

ARTICLE V Elections

Section 1. General elections of Kensington-Talmadge Planning Group members shall be held during the month of March in accordance with the election procedures found in Section 5.1 Election Procedures in *Administrative Guidelines for Implementation of Council Policy 600-24* (Amended April 26, 2006). Note: election procedures are incorporated and referenced within the Kensington-Talmadge Planning Group Bylaws, herein, rather than in an attached exhibit.

The Kensington-Talmadge Planning Group's general elections shall be held annually.

The deadline to qualify for candidacy in the March general election shall be prior to the February noticed regular or special meeting of the full planning group

membership preceding the election. The planning group's Election Subcommittee shall be established no later than January and shall begin soliciting eligible community members to become candidates. In February, the Election Subcommittee shall present to the planning group a complete list of interested candidates collected up to that point in time. Candidates may be added at the February meeting. A candidate forum may be advertised and held at the March meeting.

In order to be a candidate in the March election, an eligible member of the community [See Article III, Section 2] must have documented attendance at two meetings of the Kensington-Talmadge Planning Group from February 1 of the prior year to January 31 of the current year, inclusive.

Section 2. The Kensington-Talmadge Planning Group shall make a good faith effort to utilize means appropriate to publicize the planning group's eligibility requirements for candidacy and the upcoming elections.

In the election process, the planning group shall seek enough new candidates to exceed the number of seats open for election in order to allow those who have served for eight consecutive years to leave the group for at least one year.

The Kensington-Talmadge Planning Group holds its election at the March regular meeting location as noticed in the regular March meeting agenda.

The Kensington-Talmadge Planning Group will require proof of identity of those eligible community members who are seeking to vote in the election. The planning group shall ensure that voting is only by eligible members of the community. Refer to Article VIII, Section 1 (e) (iii) Kensington-Talmadge Planning Group Bylaws, herein.

The ballot presented to eligible community members to vote will clearly state candidates are running for "at-large" seats which are filled by the candidates receiving the greatest number of votes in descending order except in the case of a candidate who has served eight or more consecutive years. The ballot will state how many candidates can be selected. If there are any candidates who have served eight or more consecutive years, the ballot will clearly indicate that those candidates must receive a two-thirds majority of the vote due to service beyond eight consecutive years of service.

The Kensington-Talmadge Planning Group's policy related to write-in candidates is that write-in candidates are allowed if they are present at the time of the election and state their willingness to serve. If not present, they must submit to the Kensington-Talmadge Planning Group Chairperson a statement in writing stating their willingness to serve and justifying their absence at the time of the election. If it is later determined that the write-in candidate is ineligible, any vote cast for an ineligible write-in candidate is an invalid vote and will not be counted.

Section 3. Voting shall be by secret written ballot. Proxy voting for elections is not allowed under any circumstances. Development and promotion of "slates" of candidates is contrary to the intent of *Council Policy 600-24* and is not allowed.

Section 4. The Kensington-Talmadge Planning Group's election becomes final after announcing the election results at the conclusion of the noticed, regular March monthly planning group meeting. The Chairperson is responsible for preparing, certifying and forwarding the election report to the City. New members shall be seated in April at the start of the regular meeting in order to allow their full participation as elected members at the April planning group meeting.

Any challenge to the election results must be filed with the Chairperson of the Election Subcommittee in writing within 24 hours of the counting of the ballots in order to allow enough time to resolve the issue. For further clarification, refer to Article VIII, Section 1 (c) and 1 (e); and Article IX, Section 3 Kensington-Talmadge Planning Group Bylaws, herein.

Section 5. Article VIII, Section 1 (e) contains all voting procedures, including: Voting Time; Voting Location; Voting Eligibility; Candidate Eligibility; Election Subcommittee Establishment and Responsibilities; Promotion of Elections; Counting Votes; Ballots; Write-in Candidates; Managing Polls and Counting Ballots; Reporting Election Results to the Kensington-Talmadge Planning Group Chairperson; and Election Challenge Criteria and Procedures.

ARTICLE VI Community Planning Group and Planning Group Member Duties

Section 1. It is the duty of the Kensington-Talmadge Planning Group to cooperatively work with the City throughout the planning process, including, but not limited to, the formation of long-range community goals, objectives, and proposals or the revision thereto for inclusion in a General or Community Plan.

It is the duty of all planning group members to conduct official business of the planning group in a public setting. It is recognized that the officers of the planning group may oversee administrative business of the planning group, such as the assembling of the draft agenda, in preparation for public discussions. However, all substantive discussions about agenda items or possible group positions on agenda items shall occur at the noticed planning group meetings.

It is the duty of a planning group as a whole, and of each individual member, to refrain from conduct that is detrimental to the planning group or its purposes under *Council Policy 600-24*. No member shall be permitted to disturb the public meeting so as to disrupt the public process as set forth on the planning group's agenda.

Section 2. (a) Meeting Procedures

It shall be the duty of each member of the Kensington-Talmadge Planning Group to attend all planning group meetings.

(i) REGULAR AGENDA POSTING - At least 72 hours before a regular meeting, the agenda containing a brief general description of each agenda item shall be posted. The brief general description of each agenda item need not exceed 20 words per item unless the item is complex. The agenda shall also provide notice of the date, time, and location of the meeting. The agenda shall be posted in a place freely accessible to the general public and shall include information on how a request for accessible accommodation may be made.

The listing of the agenda item shall include the intended action of the planning group regarding that item [e.g., information item, action item].

(ii) PUBLIC COMMENT- Any interested member of the public may comment on agenda items during regular or special planning group meetings. In addition, each agenda for a regular planning group meeting shall allow for a public comment period at the beginning of the meeting for items not on the agenda but are within the scope of authority of the planning group. Planning group members may make brief announcements or reports to the planning group on their own activities under the public comment section of the agenda. The planning group may adopt time limits for public comment to ensure operational efficiencies.

(iii) ADJOURNMENTS AND CONTINUANCES – If the Kensington-Talmadge Planning Group does not convene a regularly scheduled meeting, there shall be a copy of the "Notice of Adjournment" of the meeting posted on or near the door of the place where the adjourned meeting was to be held within 24 hours after the time the meeting was to be held.

If a meeting is adjourned because less than a quorum was present, a new regular meeting agenda must be prepared. If a meeting is adjourned because no members of the planning group were present, the subsequent meeting, if not a regular meeting, must be noticed as if a special meeting.

(iv) CONTINUED ITEMS - If an item is continued from a prior regular meeting to a subsequent meeting more than 5 days from the original meeting, a new agenda must be prepared as if a regular meeting; otherwise the original meeting agenda is adequate.

(v) CONSENT AGENDA - For items to be considered for a "Consent Agenda" all of the following are required:

1. A subcommittee of the planning group has discussed the item at a noticed subcommittee meeting,

2. All interested members of the public were given an opportunity to address the subcommittee, and
3. The item has not substantially changed since the subcommittee's consideration.

The comments of the subcommittee and those made by interested members of the public should be reflected in the minutes of the subcommittee. Any interested member of the public may comment on a consent agenda item. Any interested member of the public may take a consent agenda item off the consent agenda by request.

(vi) **QUORUM AND PUBLIC ATTENDANCE** - A quorum, defined as a majority of non-vacant seats of a planning group, must be present in order to conduct business, to vote on projects, and to take actions at regular or special planning group meetings.

No member of the public shall be required, as a condition of attendance at any meeting of the planning group, to register or provide any other information. Any attendance list or request for information shall clearly state that completion of such information is voluntary. No member of the public may be charged a fee for admittance.

(vii) **DEVELOPMENT PROJECT REVIEW** - The Kensington-Talmadge Planning Group may not, as a condition of placing an item on the agenda, require applicants to submit additional information and materials beyond which the applicant has been required to submit as part of the City's project review application process.

When reviewing development projects, the planning group shall allow participation of affected property owners, residents, and business establishments within proximity to the proposed development. The planning group shall directly inform the project applicant or representative in advance each time that such review will take place and provide the applicant with an opportunity to present the project.

(viii) **ACTION ON AGENDA ITEMS** - An item not noticed on the agenda may be added if either two-thirds of the entire elected membership, or every member if less than two-thirds are present, determine by a vote that there is a need to take an immediate action, but only if the need for action came to the attention of the planning group subsequent to the agenda being posted.

Whether stated or unstated, every motion approved by the elected planning group or a subcommittee thereof, will be understood to include a clause authorizing the author or the chair to make non-substantive corrections of formatting, punctuation, grammar, spelling, or typographical error to the approved motion or the document authorized thereby.

The Kensington-Talmadge Planning Group Chairperson fully participates in planning group discussions and votes on all action items. As a full participant in the planning group, the Chairperson of the Kensington-Talmadge Planning Group is entitled to make motions.

The planning group shall not engage in, or allow, secret ballot or proxy voting on any agenda item. Other methods of absentee voting on agenda items, such as by telephone or by e-mail are also prohibited.

Votes taken on agenda items shall reflect the positions taken by the elected or appointed positions on the planning group identified in Article III, Section 1 of *Council Policy 600-24*.

(ix) **COLLECTIVE CONCURRENCE** - Any attempt to develop a collective concurrence of the members of the Kensington-Talmadge Planning Group as to action to be taken on an item by members of the planning group, either by direct or indirect communication, by personal intermediaries, by serial meetings, or by technological devices, is prohibited, other than at a properly noticed public meeting.

(x) **SPECIAL MEETINGS** - The Chairperson of the Kensington-Talmadge Planning Group, or a majority of planning group members, may call a special meeting. An agenda for a special meeting shall be specified as such, and shall be prepared and posted at least 24 hours before a special meeting. Each member of the planning group shall receive the written notice of the meeting at least 24 hours before the time of the meeting as specified in the notice unless the member files with the planning group secretary a written waiver of notice at, or prior to the time of, the meeting. Written notice shall be delivered to each local newspaper of general circulation and radio or television station requesting notice in writing at least 24 hours before the time of the meeting. The notice shall identify the business to be transacted or discussed at the meeting. No other business shall be considered at this meeting. Public testimony on agenda items must be allowed; however, the non-agenda public comment period may be waived.

(xi) **EMERGENCY MEETINGS** - Emergency meetings, requiring no public notice, are called for matters related to public health and safety. These matters are outside of the purview of the Kensington-Talmadge Planning Group and are prohibited under these bylaws.

(xii) **RIGHT TO RECORD** - Any person attending a meeting of the Kensington-Talmadge Planning Group must be allowed to record or photograph the proceedings in the absence of a reasonable finding by the planning group that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the meeting.

(xiii) **DISORDERLY CONDUCT** - In the event that any planning group meeting is willfully interrupted by a person or group of persons, so as to make the orderly

conduct of the meeting infeasible, the planning group may first cause removal of the individual or individuals. If that is unsuccessful then the planning group may order the meeting room cleared and continue in session on scheduled agenda items without an audience, except that representatives of the media shall be allowed to remain. The planning group may also readmit an individual or individuals who were not responsible for the disruption.

(b) Subcommittees

The Kensington-Talmadge Planning Group may establish standing and ad hoc subcommittees when their operation contributes to more effective discussions at regular planning group meetings.

(i) **STANDING SUBCOMMITTEES** - Pursuant to the purpose of the Kensington-Talmadge Planning Group as identified in Article II, Section 1, the planning group has established the Project Review Subcommittee as a standing subcommittee, which will meet for regularly scheduled and noticed monthly meetings, unless canceled. Various ad hoc subcommittees will be created, as needed, to address a particular planning group or operational matter, such as the Election Subcommittee. All standing and ad hoc subcommittees shall be disbanded at the call to order of the regular April meeting.

The Project Review Subcommittee shall consist of a minimum of three subcommittee members appointed annually by the newly elected Chairperson of the Kensington-Talmadge Planning Group, subject to confirmation by a majority vote of the elected planning group members. Appointments shall be made after the election of officers at the regular April meeting and before the close of the regular May meeting, and as vacancies occur. The Project Review Subcommittee shall be disbanded annually at the call to order of the regular April meeting. If the outgoing Project Review Subcommittee has a report to submit at the April meeting, they may do so during the appropriate agenda item under public comment.

Refer to Article II, Section 2 of the Kensington-Talmadge Planning Group Bylaws, herein, for guidance on the role of the Project Review Subcommittee in the preliminary review process of individual development review projects; note, in particular that the Kensington-Talmadge Planning Group “should focus such review on conformance with the adopted community plan and/or the General Plan.”

(ii) **AD HOC SUBCOMMITTEES** - Ad hoc subcommittees may be established for finite periods of time to review more focused issue areas and shall be disbanded following their review. Such issues may align with elements in the City of San Diego General Plan or the adopted Community Plan. Ad hoc subcommittees are named by the presiding Kensington-Talmadge Planning Group Chairperson. Ad hoc subcommittee members and ad hoc subcommittee Chairpersons are appointed, as needed, by the Kensington-Talmadge Planning

Group Chairperson, subject to confirmation by a majority vote of the Elected Planning Group Members.

(iii) **SUBCOMMITTEE COMPOSITION** – Subcommittees shall contain a majority of members who are members of the planning group. No more than two less than a quorum of the total currently elected Kensington-Talmadge Planning Group Members may serve on any subcommittee. All Subcommittee Chairpersons shall be a currently elected Planning Group Member. Subcommittee members who are not currently elected members shall be eligible members. For qualifications to be an eligible member, refer to Article III, Section 2 Kensington-Talmadge Planning Group Bylaws, herein.

Non-elected members, who are duly appointed by a planning group to serve on a subcommittee, may be indemnified by the City in accordance with Ordinance No. O-17086 NS, and any future amendments thereto, provided they satisfy any and all requirements of the Administrative Guidelines.

(iv) **RECOMMENDATIONS** – Subcommittee recommendations must be brought forth to the full planning group for formal vote at a noticed public meeting. In no case may a committee or subcommittee recommendation be forwarded directly to the City as the formal recommendation of the planning group without a formal vote of the full planning group.

(c) Abstentions and Recusals

(i) **RECUSALS** - Any member of the Kensington-Talmadge Planning Group with a direct economic interest in any project that comes before the planning group or its subcommittees must disclose to the planning group that economic interest, and must recuse from voting and not participate in any manner as a member of the planning group for that item on the agenda.

(ii) **ABSTENTIONS** - In limited circumstances, planning group members may abstain from either voting on an action item, or from participating and voting on an action item. The member must state, for the record, the reason for the abstention.

(d) Meeting Documents and Records

(i) **AGENDA BY MAIL** - Requests to mail copies of a regular agenda, and any accompanying material, shall be granted. Such materials shall be mailed when the agenda is posted, or upon distribution to a majority of the members of the community planning group, whichever occurs first. A request to receive agendas and materials may be made for each calendar year and such request is valid for that entire year, but must be renewed by January 1 of the following year. A cost-recovery fee may be charged for the cost of providing this service.

(ii) AGENDA AT MEETING - Any written documentation, prepared or provided by City staff, applicants, or planning group members that is distributed at the planning group meeting, shall be made available upon request for public inspection without delay. If such material is distributed at the planning group meeting, then it shall be made available upon request at the meeting. If such material is prepared by someone other than City staff, applicants, or planning group members, or is received from a member of the public during public testimony on an agenda item, then the material shall be made available for public inspection at the conclusion of the meeting. A cost-recovery fee may be charged for the cost of reproducing any of the materials requested by an individual or individuals.

(iii) MINUTES - For each planning group meeting, a report of Kensington-Talmadge Planning Group member attendance and a copy of approved minutes shall be retained by the planning group, and shall be available for public inspection. The minutes of each planning group meeting shall include the votes taken on each action item and reflect the names for, against, and abstaining when the vote is not unanimous. Recusals shall also be recorded. Minutes should record speakers and public testimony, and whether each project applicant (whose project was subject to planning group action) appeared before the planning group. If an applicant did not appear before the planning group then the meeting minutes must indicate the date when and type of notification (e.g. electronic, telephonic, facsimile) provided to the applicant requesting his or her appearance at the planning group meeting. A copy of the approved minutes shall be submitted to the City within 14 days after approval by the planning group.

The Kensington-Talmadge Planning Group is not required to audio or videotape but if recordings are made, they are subject to a public request to inspect without charge. A cost-recovery fee may be charged for copies of recordings.

(iv) RECORDS RETENTION - Kensington-Talmadge Planning Group records must be retained for public review. City staff will establish a records retention schedule and method for collection and storage of materials that will be utilized by all planning groups.

Section 3. It shall be the duty of the Kensington-Talmadge Planning Group and its members to periodically seek community-wide understanding of and participation in the planning and implementation process as specified in Article II, Section 1. The planning group shall give due consideration to all responsible community attitudes insofar as these are deemed to be in the best long range interest of the community at large.

Section 4. It shall be the duty of the Kensington-Talmadge Planning Group to maintain a current, up-to-date roster of the names, terms, and category/qualifications of planning group members in its possession, and to forward the current roster, as well as any updates, to the City. The planning group must also submit to the City, by the end of March each year, an annual report of accomplishments for the past

calendar year and anticipated objectives for the coming year related to Article II, Section 1 above. Rosters and annual reports constitute disclosable records under the Brown Act.

- Section 5. The Kensington-Talmadge Planning Group may develop a policy for financial contributions from the citizens of the community for the purposes of furthering the efforts of the planning group to promote understanding and participation in the planning process. However, no membership dues shall be required and no fee may be charged as a condition of attendance at any planning group meeting. All contributions must be voluntarily made, and no official planning group correspondence may be withheld based on any individual's desire to not make a voluntary contribution.
- Section 6. Each elected Kensington-Talmadge Planning Group member is required to attend an orientation training session administered by the City as part of planning group and individual member indemnification pursuant to Ordinance No. O-17086 NS, and any future amendments thereto. Newly seated planning group members must complete a basic orientation training session within 12 months of being elected or appointed to a planning group or the member will be ineligible to serve. Kensington-Talmadge Planning Group eligible members, who are also duly appointed to subcommittee(s), but are not elected members, and who have not previously attended a City orientation meeting, as described above, are encouraged to attend one.

ARTICLE VII Planning Group Officers

- Section 1. The officers of the Kensington-Talmadge Planning Group shall be elected from and by the elected members of the planning group. Said officers shall consist of a Chairperson, Vice Chairperson, Secretary, and Treasurer. The length of an officer's term shall be one year, commencing with the annual April election of officers by the newly seated and continuing elected planning group members. An officer's term shall end with the call to order by the most senior re-elected or continuing member of the planning group at the regular April meeting. The most senior member is the elected member who has the longest continuous service on the planning group. Any ties will be decided by the drawing of lots. The senior member shall chair the April meeting, and as the first order of business, conduct the election of the new Chairperson who will immediately assume office. No person may serve in the same planning group office for more than eight consecutive years. After a period of one year in which that person did not serve in the same planning group office that person shall again be eligible to serve in that office.
- Section 2. Chairperson. The Chairperson shall be the principal officer of a recognized community planning group and shall preside over all planning group and community wide meetings organized by the planning group.

The duties of the Chairperson include setting the agenda for the regular monthly meetings in conjunction with the elected planning group Secretary and subcommittee chairpersons. The Chairperson will include any items voted onto the agenda during a previous Kensington-Talmadge Planning Group meeting. The Chairperson together with the assigned City representative shall publically notice said agenda.

The Chairperson also serves as the point of contact for the City, the community, and development applicants, including posting agendas and relevant planning group information on appropriate community websites.

The Chairperson shall be the representative to the citywide Community Planners Committee (note Section 5 below).

The Chairperson appoints all subcommittee members and subcommittee Chairpersons and liaisons to other groups, subject to confirmation by a majority vote of the elected planning group members.

The Chairperson is responsible for filing the required Annual Report of the Kensington-Talmadge Planning Group to the City.

Refer to Article VI in the Kensington-Talmadge Planning Group Bylaws, herein; and Attachment 3 *Administrative Guidelines for the Implementation of Council Policy 600-24* (Amended April 26, 2006).

Section 3. Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson shall perform all the duties and responsibilities of the Chairperson. The Vice Chairperson shall serve as either the designated alternate or as the officially elected representative to the Community Planners Committee. Refer to Article VII, Section 5 Kensington-Talmadge Planning Group Bylaws, herein.

Section 4. Secretary. The Secretary shall be responsible for the planning group's correspondence, attendance records, and minutes and actions [including identification of those planning group members who constitute a quorum, who vote on an action item, and who may abstain or recuse and the reasons], and shall assure that planning group members and members of the public have access to this information. The Secretary may take on these responsibilities or may identify individuals to assist in these duties.

The duties of the Secretary will include maintaining the Planning Group Public Roster. Refer to Attachment 2B *Administrative Guidelines for the Implementation of Council Policy 600-24* (Amended April 26, 2006).

The Secretary may assist the elected planning group Chairperson and the assigned City representative in publicly noticing the agenda for the regular monthly meetings, if requested by the Chairperson.

If requested by a member of the public, the Secretary will submit that member's email address to the City for planning group agendas to be emailed by the City.

The Secretary shall be responsible for maintaining eligibility records for the currently seated elected planning group members, including attendance at regular meetings and reporting any ineligibilities, vacancies, or resignations at the next regular meeting. Refer to Article IV in the Kensington-Talmadge Planning Group Bylaws, herein.

- Section 5. The Chairperson shall be a recognized community planning group's representative to the Community Planners Committee (CPC). However, by a majority vote of the planning group, a planning group member other than the Chairperson may be selected as the official representative to the CPC with the same voting rights and privileges as the Chairperson. Designation of a member, other than the Chairperson, as the planning group's representative or alternate to the CPC, shall be forwarded in writing to the staff representative to the CPC prior to extension of voting rights and member attendance. Note also: Article VII, Section 3 Kensington-Talmadge Planning Group Bylaws, herein.
- Section 6. The Kensington-Talmadge Planning Group officers and representatives to the CPC shall promptly disseminate to all elected planning group members pertinent information that is received by the planning group regarding its official business.
- Section 7. Treasurer. The Treasurer shall receive all monies, and deposit Kensington-Talmadge Planning Group funds in the name of the planning group. The Treasurer shall pay all bills as directed by the planning group; keep an accurate accounting of all receipts and disbursements; and should report the financial condition at each regular planning group meeting.

ARTICLE VIII Planning Group Policies and Procedures

- Section 1. The Kensington-Talmadge Planning Group Bylaws incorporate policies and procedures directed by Article I through VII of *Council Policy 600-24*. These bylaws also contain some policies and procedures recommended in Article VIII of *Council Policy 600-24*. For additional references for the Kensington-Talmadge Planning Group's procedures and policies see: Article VIII Planning Group Policies and Procedures and Article IX Rights and Liabilities of Recognized Community Planning Groups in *Council Policy 600-24* (Amended May 22, 2007); see also: the *Administrative Guidelines for Implementation of Council Policy 600-24* (Amended April 26, 2006).

This bylaws article lists additional procedures which are incorporated into and referenced within the Kensington-Talmadge Planning Group Bylaws rather than found in Exhibits attached to the bylaws. However, any procedures found in exhibits have the same effect as if they were incorporated directly into Articles I through VII of the bylaws. Procedures are separated into exhibits for ease of understanding.

Listed procedures are grouped by category as follows: Community Participation; Planning Group Composition; Conduct of Meetings; Member and Planning Group Responsibilities; and Elections.

(a) Community Participation

The following are the Kensington-Talmadge Planning Group procedures regarding community participation:

Community Participation Procedures: The Kensington-Talmadge Planning Group community participation procedures include, but are not limited to the following: all meetings are open to the public with public comment provided on the agenda; all regular monthly meetings are publicly noticed, including posting on appropriate web sites and at the Kensington-Normal Heights Library.

Intent to Cultivate Interest and Encourage Diversity: It is the intent of the Kensington-Talmadge Planning Group to cultivate interest in planning group meetings and to encourage diversity by reaching out through various community or neighborhood groups or events. Planning group members are encouraged to invite community people to attend.

(b) Planning Group Composition

The following are the Kensington-Talmadge Planning Group procedures pursuant to Article III, Section 2 regarding planning group composition:

Procedures Pursuant to Article III, Section 2: The Kensington-Talmadge Planning Group “shall, to the extent possible, be representative of the various geographic sections of the community and diversified community interests” refer to Article III, Section 2 in Kensington-Talmadge Planning Group Bylaws, herein. Procedures include, but are not limited to, striving for an equitable representation of elected planning group members from the two primary neighborhoods of Kensington and Talmadge and the *Council Policy 600-24* categories of eligible members. Such representation may be obtained by actively pursuing qualified candidates from both neighborhoods and the Council Policy categories for the annual elections, and to serve on subcommittees, or to serve as liaisons to other community or neighborhood groups. Refer to the Kensington-Talmadge Planning Group Registration Form, Exhibit B below.

Kensington-Talmadge Planning Group Registration Form: The Kensington-Talmadge Planning Group Registration Form, Exhibit B, herein, is initially submitted by prospective eligible members in the process to determine eligibility to vote. This form lists eligibility categories based upon Article III, Section 2 in the Kensington-Talmadge Planning Group Bylaws, herein; see also: Attachment 1 in *Administrative Guidelines for Implementation of Council Policy 600-24* (Amended April 26, 2006).

(c) Conduct of Meetings

The following are the Kensington-Talmadge Planning Group procedures regarding conduct of planning group meetings:

Public Notice of Meeting Agendas: Regular meeting agendas are publicly noticed at least 72 hours before the meeting by posting on appropriate community and City web sites, as available, as well as a physical copy being posted at the Kensington-Normal Heights Library. Requests can be submitted to the Planning Group Secretary for the regular monthly agenda to be emailed by the City. Requests can be submitted to the elected Planning Group Chairperson, which must be renewed annually in January, to receive the regular monthly agendas by mail from the City; a cost recovery fee to the City may apply. Refer to Article VI, Section 2 (a) and (d) *Council Policy 600-24* (Amended May 22, 2007).

Meeting Operations, Including Public Dialog: For a reference for public meeting operations, including public participation and maintaining a civil environment, refer to “Engaging in Public Dialog Handbook” Appendix Number 4 in *Administrative Guidelines for Implementation of Council Policy 600-24* (Amended April 26, 2006).

Refer also to Article VI, Section 2 (a) Kensington-Talmadge Planning Group Bylaws, herein, for meeting procedures, including such topics as “Public Comment”; “Adjournments and Continuances”; “Consent Agenda”; “Quorum”; and when Action Items can be added to the Agenda if not noticed.

Public comment on non-agenda items is scheduled early on the regular monthly meeting agendas. Usually two to three minutes are allowed for an individual; more time may be granted by the Chairperson for a group presentation. However, no discussion or action may be taken on such non-agenda items.

Agenda items for regular and subcommittee meetings are open to public comment by the respective Chairpersons. The Planning Group Chairperson may open public comment either before or after the respective elected members' discussion. A subcommittee Chairperson generally opens public comment after the duly appointed subcommittee members' discussion of an item. In any case, during the discussion by elected or duly appointed members, such members may ask questions of the public.

Elected planning group members, and by extension duly appointed subcommittee members, and the public/audience are encouraged to participate in discussions in a normative civil manner. Refer to Article VI, Section 2 (a) ii in *Council Policy 600-24* (Amended May 22, 2007).

All posted agenda times will be strictly adhered to. The Chairperson, at his or her discretion, may extend the time for a specific agenda item by up

to 10 minutes. Any further time extensions for an agenda item will be voted on and approved by the planning group.

Public Comment under Non-Agenda and Agenda items will be limited to 2 minutes per speaker unless extended at the discretion of the chairperson or a vote of the full planning group.

All Kensington-Talmadge Planning Group meetings are to adjourn at 8:30 pm unless another time has been noticed on the agenda, or the planning group votes to extend the adjournment of the meeting. The planning group may authorize time extensions in 15, 30, or 60 minute increments.

Any items on the agenda not heard by adjournment will automatically be tabled until the next month's meeting. The Chairperson is encouraged to prioritize agenda items to accommodate higher priority action items if time is limited

Subcommittee Membership and Operations:

Project Review Subcommittee: For specific references to planning group subcommittees see: Article VI, Section 2 (b) Subcommittees in *Council Policy 600-24* (Amended May 22, 2007) and Article VI, Section 2 and Article VIII, Section 1 (c) and (e) Kensington-Talmadge Planning Group Bylaws, herein.

Election Subcommittee: The Kensington-Talmadge Planning Group Election Subcommittee is an ad hoc subcommittee constituted not later than January for a particular task and time frame: the election of planning group members in March and planning group officers in April.

By the regular January monthly meeting, the Kensington-Talmadge Planning Group Chairperson shall appoint a minimum of three eligible members to the Election Subcommittee; at least two shall be current elected members, who will not be running for election; appoint one of these elected members as the Election Subcommittee Chairperson; and appoint a minimum of one eligible member, who will not run for election. There must be a majority of elected members on the subcommittee. These appointments are subject to a majority vote confirmation by the elected members by the regular January meeting.

The Election Subcommittee shall follow all policy and procedures within *Council Policy 600-24* and within the Kensington-Talmadge Planning Group Bylaws, herein.

Article III, Sections 1, 2, and 3; and Article VIII, Section 1 (b) in the Kensington-Talmadge Planning Group Bylaws, herein, shall serve as a basis for seeking candidates for the annual election. The Election Subcommittee shall report the names of the eligible members who have agreed to be candidates at the regular February meeting. However, in accordance with *Council Policy 600-24*

(Amended May 22, 2007), there shall not be a final “slate” of candidates. Nominations will be opened prior to the casting of ballots at the regular March meeting. Article VIII, Section 1 (e) in the Kensington-Talmadge Planning Group Bylaws, herein, shall serve as the basis for the Election Subcommittee to manage the annual election at the regular March meeting.

After the election of planning group members, the election subcommittee shall seek candidates for the various planning group offices. The Election Subcommittee shall be disbanded at the call to order of the regular April meeting.

If there is a formal challenge to the election, refer to Article V, Section; 4; Article VIII, Section 1 (e); and Article IX, Section 3 Kensington-Talmadge Planning Group Bylaws, herein.

(d) Member and Planning Group Responsibilities

The following are the Kensington-Talmadge Planning Group procedures regarding member and planning group responsibilities:

Planning Group's Position on Planning Issues other than Project Review:

The Kensington-Talmadge Planning Group’s positions or recommendations on City planning issues that are not project review recommendations may be formulated by a majority vote of the elected planning group members at a regular monthly meeting or a special meeting.

Such items require at least 72 hours public notice on a scheduled or revised agenda, however, only 24 hours public notice is required for a special meeting agenda. The Chairperson is encouraged to call a special meeting if the planning issue is time sensitive.

The resultant recommendations or positions of the Kensington-Talmadge Planning Group may be presented to the appropriate City agency in the form of a letter signed by the Chairperson; an official email from the Chairperson or from the Secretary; or as public testimony by assigned community representative(s); or verbally as directed by a majority vote of the elected planning group Members after a noticed planning group action.

Bylaws Amendment Process and Submittal to City Staff: For the Kensington-Talmadge Planning Group Bylaws Amendment procedures refer to *Council Policy 600-24* (Amended May 22, 2007) under Policy which states that “subsequent amendments to adopted bylaws may be proposed to the City by a majority vote of the elected membership of a community planning group.”

In addition, Article II, Section 7 in this Council Policy states that “a recognized community planning group may propose amendments to its bylaws by a majority vote of the elected members of the group.” The required consistency with this Council Policy is found in Article II, Section 7 of the Kensington-Talmadge

Planning Group Bylaws, herein, which also states that “proposed amendments shall be submitted to the offices of the Mayor and the City Attorney for review and approval.” This section prescribes the procedures to docket for the City Council if not consistent and states that “bylaw amendments are not valid until approved by the City.” For guidelines to the amendment process refer to 4.9 *Administrative Guidelines for Implementation of Council Policy 600-24* (Amended April 26, 2006). These guidelines state that consultation with the community planner assigned by the City is advisable early in the process.

For the establishment of an ad hoc Bylaws Subcommittee refer to Article VI, Section 2 (b) Kensington-Talmadge Planning Group Bylaws, herein.

Voluntary financial contributions: Voluntary financial contributions may be received to defray the expenses incurred by the Kensington-Talmadge Planning Group’s operations, such as rental fees for a meeting location, website, cell phone, and mail box. Refer to Article VI, Section 5 Kensington-Talmadge Planning Group Bylaws, herein. For the Treasurer’s duties regarding such contributions, refer to Article VII, Section 7 Kensington-Talmadge Planning Group Bylaws, herein.

Participation with Other Organizations: The Kensington-Talmadge Planning Group endeavors to participate with other community and neighborhood organizations, such as the Talmadge Maintenance Assessment District (TMAD) and its associated non-profit organization the Talmadge Community Association; the City Heights Redevelopment Project Area Committee (CHPAC); the Kensington Talmadge Business Association; and the Kensington-Talmadge Community Association. The Kensington-Talmadge Planning Group includes reports from representatives to or from, such liaison committees during the regular monthly planning group meeting.

(e) Elections

The Elections Handbook, which is an attachment to the Administrative Guidelines, provides general guidance for planning group elections. The following are procedures pertaining to the elections provisions of these bylaws. Note: the Elections Handbook was cited as moved into the *Administrative Guidelines for Implementation of Council Policy 600-24* (Amended April 26, 2006); therefore, references to the Elections Handbook will lead to 5.1 Election Procedures in the above Administrative Guidelines.

Procedures for Elections and Voting: For basic references for planning group elections refer to Article V Elections, Sections 1-4 *Council Policy 600-24* (Amended May 22, 2007) and Article V, Sections 1-5 in Kensington-Talmadge Planning Group Bylaws, herein. An applicable list of procedural topics found in Article V, Section 5, herein, is hereby expanded upon in Article VIII, Section 1 (e) as follows:

(i) VOTING TIME: Voting shall be the first action item on the regular March meeting, which is typically scheduled for the second Wednesday of the month at 6:30 P.M. Polls will be closed under Robert's Rules of Order Newly revised 10th Edition, typically by 8:00 PM.

(ii) VOTING LOCATION: Shall be publicly noticed 60 days prior to the annual election.

(iii) VOTING ELIGIBILITY: According to *Council Policy 600-24* "to be an eligible member of the community, a member must be at least eighteen years of age, and affiliated with the community as a:

(1) property owner, who is an individual identified as the sole or partial owner of record, or their designee, of real property (either developed or undeveloped), within the community planning area, or

(2) resident, who is an individual whose primary address or residence is an address in the community planning area, or

(3) local business person, who is a local business or not-for-profit owner, operator, or designee at a non-residential real property address in the community planning area."

In addition, to the above *Council Policy 600-24* requirements, the Kensington-Talmadge Planning Group Bylaws Article III, Section 2 state that "within the Kensington-Talmadge community, an individual may become an eligible member of the community and demonstrate eligibility to vote by:

(1) documenting attendance through attendance records held by the Kensington-Talmadge Planning Group Secretary and confirmed by the Election Subcommittee by the end of the February meeting prior to the March election; and

(2) submitting a Kensington-Talmadge Planning Group Registration Form to the Secretary, as shown in Exhibit B in the Kensington-Talmadge Planning Group Bylaws, herein; and

(3) providing one's personal documentation, as specified in Article VIII, Section 1 (e) (iii), to be verified by the Election Subcommittee at every election." [See: the second paragraph immediately below.]

In accordance with *Council Policy 600-24* (Amended May 22, 2007) and the *Council Policy 600-24* Bylaws Shell (June 1, 2007), "once eligibility to vote is established, an individual remains an eligible member of the community until a determination is made that the individual does not meet the planning group's criteria and formal action is taken by the planning group."

In addition, in accordance with the above Council Policy, the Kensington-Talmadge Planning Group "shall require proof of eligibility" at every March election, to be demonstrated to and verified by the Election Subcommittee.

At each March election, the voter will provide:

- (1) one of the following documents: a valid government issued photo identification card, such as a United States passport, United States military identification card, California driver's license, or California identification card with a current Kensington-Talmadge address; however,
- (2) if the document does not include a Kensington-Talmadge address imprinted by the issuing agency, then one of the following additional documents with a qualifying Kensington-Talmadge address must be provided: a current original utility or property tax bill or facsimile thereof, or first class mail personally addressed to the voter postmarked within the last 30 days.

These voter provided documents, together with records provided by the Planning Group Secretary will be used by the Election Subcommittee to verify each voter's eligibility. Refer to Article III, Section 2; and Article V Kensington-Talmadge Planning Group Bylaws, herein.

(iv) CANDIDATE ELIGIBILITY: In accordance with *Council Policy 600-24* (Amended May 22, 2007), "planning group members shall be elected by and from eligible members of the community," and meet one of three categories as delineated above in Article VIII, section 1 (c) elections (iii) voting eligibility; and in Article III, Section 2 Kensington-Talmadge Planning Group Bylaws, herein.

In addition, "*Council Policy 600-24* requires that elected members" of planning groups "shall to the extent possible, be representative of the various geographic sections of the community and diversified community interests." With the above intent in mind, the Kensington-Talmadge Planning Group, "elected seats are filled by any eligible member" without assigned seats or "further restriction on the distribution of seats among interests in the community." Refer to Article III, Section 2 Kensington-Talmadge Planning Group Bylaws, herein.

"The deadline to qualify for candidacy in the March election shall be prior to the February noticed regular or special meeting of the full planning group membership preceding the election." Refer to Article V, Section 1 Kensington-Talmadge Planning Group Bylaws, herein.

In addition, "in order to be a candidate in the March election, an eligible member of the community [See Article III, Section 2] must have documented attendance at two meetings of the Kensington-Talmadge Planning Group from February 1 of the prior year to January 31 of the current year, inclusive." Refer to Article V,

Section 1 Kensington-Talmadge Planning Group Bylaws, herein; see also: Article III, Section 2, Kensington-Talmadge Planning Group Bylaws, herein.

“No person may serve on the planning group for more than eight consecutive years,” without a “break in service,” unless and only “if not enough new members are found to fill all vacant seats.” See: “*Council Policy 600-24* Article III, Section 4 for further clarification. Refer also to Article III, Section 3 Kensington-Talmadge Planning Group Bylaws, herein.

The candidates must be present at the time of the election and state their willingness to serve. If not present, they must submit to the Kensington-Talmadge Planning Group Chairperson a statement in writing stating their willingness to serve and justifying their absence at the time of the election.

(v) ELECTION SUBCOMMITTEE ESTABLISHMENT AND RESPONSIBILITIES: Refer to Article VIII, Section 1 (c) Kensington-Talmadge Planning Group Bylaws, herein.

(vi) PROMOTION OF ELECTIONS: In addition to the required public noticing of elections, regular monthly agendas may highlight voting and candidate eligibility. Current elected and eligible members may serve as year round recruiters. Upcoming elections may be announced to other community organizations, posted by the Kensington-Talmadge Planning Group Chairperson on community websites, and e-mailed by the Secretary via the Planning Group’s own data base.

(vii) COUNTING VOTES: Candidates are elected by the plurality method of counting votes. With a plurality vote, vacancies are filled by the candidates receiving the greatest number of votes in descending order.

Ballots marked with more than the maximum number of votes allowed or ballots with no votes marked shall be excluded from the vote count.

When a termed out candidate requires a two-thirds majority vote for re-election, the two-thirds majority vote shall be calculated from the total number of ballots cast by eligible members participating in the election, less the exclusions noted above.

In case of a tie, the winner will be determined by the toss of a coin by the Chairperson of the Election Subcommittee.

(viii) BALLOTS: Voting shall be by secret written ballot. Ballots will clearly explain the total number of candidates for which one can vote. Refer to Article V, Sections 2 and 3 Kensington-Talmadge Planning Group Bylaws, herein.

(ix) WRITE-IN CANDIDATES: Write-in candidates are allowed. Refer to Article V, Section 2 Kensington-Talmadge Planning Group Bylaws, herein.

Refer also to Article VIII, Section 1 (e) (iv) Kensington-Talmadge Planning Group Bylaws, herein, for candidate eligibility.

(x) **MANAGING THE POLLS AND COUNTING THE BALLOTS:** The Election Subcommittee shall manage the polls and count the ballots. This includes preparing the ballots for distribution and verifying each eligible member's identification before giving one a ballot, as well as collecting and counting the ballots. After confirming the count, the Election Subcommittee Chairperson reports the results in writing to the Kensington-Talmadge Planning Group Chairperson. Refer to Article V Kensington-Talmadge Planning Group Bylaws, herein.

(xi) **REPORTING THE ELECTION RESULTS TO THE KENSINGTON TALMADGE PLANNING GROUP CHAIRPERSON:** See (x) above. Note: the election becomes final after the Kensington-Talmadge Planning Group Chairperson announces the results reported by the Election Subcommittee Chairperson. Refer to Article V, Section 4 Kensington-Talmadge Planning Group Bylaws, herein.

(xii) **ELECTION CHALLENGE CRITERIA AND PROCEDURES:** Refer to Article V, Section 4 Kensington-Talmadge Planning Group Bylaws, herein, which states that “any challenge to the election results must be filed with the Chairperson of the Election Subcommittee in writing within 24 hours of the counting of the ballots.” Refer also to Article IX, Section 3. *Council Policy 600-24* (Amended May 22, 2007); and Article V, Section 4; Article VIII, Section 1 (c); and Article IX, Section 3 Kensington-Talmadge Planning Group Bylaws, herein. Remedies may include a special publicly noticed open meeting to provide a civil format for all sides to review the challenge.

ARTICLE IX Rights and Liabilities of Recognized Community Planning Groups

Section 1. **Indemnification and Representation.** The Kensington-Talmadge Planning Group and its duly elected or appointed members have a right to representation by the City Attorney and a right to indemnification by the City under Ordinance O-17086 NS, and any future amendments thereto, if the claim or action against them resulted from their obligation to advise and assist the City and its agencies with land use matters as specified in *Council Policy 600-24*, Article II, Section 1; their conduct was in conformance with *Council Policy 600-24* and these bylaws; and all findings specified in the ordinance can be made.

Section 2. **Brown Act Remedies.** The Kensington-Talmadge Planning Group and its duly elected members may be subject to both *Council Policy 600-24* violations as described in Section 3 below and penalties provided for in the Brown Act. The Brown Act includes criminal penalties and civil remedies. Both individual members of the planning group, as well as the planning group itself, may be subject to civil remedies. Under certain circumstances, individual planning group members may face criminal misdemeanor charges for attending a meeting where

action is taken in violation of the Brown Act, and where the member intended to deprive the public of information to which the member knows or has reason to know the public is entitled. Alleged violations will be reviewed and evaluated on a case-by-case basis.

Section 3. Council Policy 600-24 Violations and Remedies.

(a) Alleged Violations by a Member of the Kensington-Talmadge Planning Group

In cases of alleged violations of the Kensington-Talmadge Planning Group Bylaws or *Council Policy 600-24* by a planning group member, the planning group may conduct an investigation consistent with the Administrative Guidelines and these bylaws.

A complaint that an individual member of a planning group violated one or more provisions of the planning group's bylaws or *Council Policy 600-24* may be submitted to the planning group Chairperson by any individual, including another planning group member. The complaint should be filed within 90 days of the alleged violation.

If, after a thorough investigation, the planning group determines that the individual member has violated a provision of these bylaws or *Council Policy 600-24*, the planning group shall, where feasible, seek a remedy that corrects the violation and allows the member to remain as a member of the planning group.

If corrective action or measures are not feasible, the planning group may remove a member by a two-thirds vote of the planning group. The vote to remove the group member shall occur at a regularly scheduled public meeting subject to the procedures outlined in the Administrative Guidelines and these bylaws.

If the planning group member is found to be out of compliance with the provisions of these bylaws or *Council Policy 600-24*, the planning group risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS, and any future amendments thereto.

Investigation procedures for elected member violations are outlined below:

Any action by the Kensington-Talmadge Planning Group to discipline or remove a member must occur at a scheduled planning group meeting and be advertised on the agenda as an action item. Due to the significant nature of removing an elected member, and to ensure a fair and public process, the procedures for investigating a violation of a member are listed below:

Documenting a violation:

- A complaint that a violation of the bylaws of *Council Policy 600-24* has occurred will be presented to the planning group Chairperson. If the complaint is about the Chairperson, it may be present to any other officer of the planning group.
- The complaint should be detailed enough to provide a description of, and timeframe within which, the alleged violation was committed and who was responsible for the violation.
- The complaint should provide a citation of the bylaws or *Council Policy 600-24* provisions of which the action is claimed to violate. If the complaint is from someone other than another planning group member, the Chairperson [or other officer] may assist in providing appropriate citations to assist the complainant.
- The Chairperson will confer with the planning group officers [exception: if an officer is the subject of the grievance or has a business or personal relationship with the alleged violator] regarding the complaint.
- The Chairperson shall create a written record of the complaint and alleged violation to share with the alleged violator.

Procedures for administering and acting on investigating a violation: While the authority for this process rests with this planning group, City staff may be contacted for assistance at any point in the process.

Once the information about an alleged violation is completed in writing, the Chairperson, with assistance from the planning group officers, will meet and talk with the planning group member against whom the violation is alleged. The allegations will be presented and the planning group member shall be given opportunity for rebuttal.

- If the Chairperson, with assistance from the planning group officers, determines that no violation has actually occurred, the Chairperson may record this in the written record of the complaint.
- If the Chairperson, with assistance from the planning group officers, determines that a violation has occurred but the situation can be remedied either by action of the planning group or by the planning group member, then the Chairperson will outline the necessary actions to achieve the remedy.
- If the Chairperson, with assistance from the planning group officers, determines that the situation cannot be remedied and that the interests of

the community and Kensington-Talmadge Planning Group would best be served by the removal of the planning group member, then the Chairperson shall set the matter for discussion at the next planning group meeting. The planning group member who committed the violation shall be given adequate notice about the meeting discussion, and will be given the opportunity to resign prior to docketing the matter for a planning group discussion.

Presenting a violation to the planning group:

- The matter of removing a seated planning group member will be placed on the planning group's agenda as a potential action item. Supporting materials from the Chairperson or from the offending planning group member will be made available to the elected planning group members prior to the meeting.
- The matter will be discussed at the planning group's regular meeting with opportunity given to the planning group member who committed the violation to present their case and/or rebut documentation gathered by the Chairperson with the assistance of the planning group officers. The member may also request a continuance of the item to gather more information to present to the planning group.
- At the end of the discussion, the planning group may, by a two-thirds vote, choose to remove the member.

Recourse for expelled member:

- There is no appeal available to an elected planning group member removed by a two-thirds vote of their recognized community planning group.
- The planning group member's seat shall be immediately declared vacant and subject to provisions of Article IV.
- The removal of a planning group member by a two-thirds vote of their recognized community planning group will not prohibit the member from running for a planning group seat in future scheduled elections.

(b) Alleged Violations Against the Kensington-Talmadge Planning Group as a Whole

In the case of an alleged violation of the planning group's bylaws or of *Council Policy 600-24* by the planning group as a whole or multiple members of the planning group, the violation shall be forwarded in writing to the City. The Mayor's Office will engage in a dialogue with the planning group, determining the validity of the complaint, and seeking resolution of the issue or dispute. The

Kensington-Talmadge Planning Group will work with the City toward a solution and the planning group recognizes that, in accordance with *Council Policy 600-24*, the City may consult with the Community Planners Committee.

If a violation against the planning group as a whole is proven and there is a failure of the planning group to take corrective action, the planning group will forfeit its rights to represent its community as a community planning group recognized under *Council Policy 600-24*. Such a determination resulting in the forfeiture of a seated group's rights to represent its community shall be based on a recommendation by the Mayor's Office to the City Council. A planning group shall not forfeit its recognized status until there is an action by the City Council to remove the status. The City Council may also prescribe conditions under which official recognition will be reinstated.

If the planning group is found to be out of compliance with the provisions of this Policy not subject to the Brown Act or its adopted bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS, and any future amendments thereto.

- Exhibit A: Kensington-Talmadge Planning Group Boundary Map. For a map of the existing boundary, refer to the Kensington-Talmadge Existing Conditions Land Use Map, City of San Diego, City Planning & Community Investment Department (October 8, 2003) at www.sandiego.gov/planning/community/profiles/kensington-talmadge/pdf/1lukental.pdf
- Exhibit B: Kensington-Talmadge Planning Group Registration Form

Exhibit B
KENSINGTON-TALMADGE PLANNING GROUP
A Recognized City of San Diego Community Planning Group
P.O. Box 16391, San Diego, CA 92176

REGISTRATION FORM: *Required for Voter Eligibility*

The Kensington-Talmadge Planning Group (KTPG) holds regular monthly meetings at 6:30 PM on the second Wednesday of each month (excluding August) at the Kensington Community Church at 4773 Marlborough Drive, San Diego, CA 92116. The Planning Group consists of 15 elected members. The Planning Group is the officially recognized advisory group to the San Diego City Council. The role of the Planning Group is to review and provide recommendations to the City on land use matters and development-related projects that fall within the KTPG Boundary Map (see: Exhibit A in the KTPG Bylaws).

There is no charge to attend or to join the Planning Group. Any person, age 18 or older, who lives; owns property; or owns or operates a business within the KTPG Boundary and is interested in becoming a registered eligible member of KTPG may submit a completed Registration Form to the KTPG Secretary at a regularly scheduled meeting or mail it to the above P.O. Box, attention: KTPG Secretary.

In addition to being affiliated with the community as a (1) property owner, or (2) resident, or (3) local business person, with a non-residential property address, as defined in *Council Policy 600-24*, to establish eligibility to vote in the annual KTPG March election, one must submit this Registration Form to the KTPG Secretary and provide identification during the elections, pursuant to the KTPG Bylaws.

Eligible members are encouraged to volunteer to serve on the Planning Group's subcommittees, to participate during the KTPG meetings, and to vote for eligible candidates at the March annual election. To be a candidate for election, one must be an eligible member and have attended two regular meetings in the last twelve months by the end of the January regular meeting.

PRINT NAME: _____ **DATE:** _____

MAILING ADDRESS: _____

Street address or P.O. Box City State Zip

EMAIL: _____

EMAIL AGENDA: YES(☐) NO(☐) *Requires annual renewal with KTPG Secretary*

PHONE# HOME: _____ **WORK:** _____ **CELL:** _____

CHECK BELOW EACH ELIGIBILITY CATEGORY THAT APPLIES & ENTER ADDRESS(ES):

(☐) **RESIDENT & Address of property:** _____

(☐) **PROPERTY OWNER & Address:** _____

(☐) **LOCAL BUSINESS OWNER/OPERATOR/DESIGNEE AT A NON-RESIDENTIAL PROPERTY**

& Address of property: _____

Amended 01-14-09. For Planning Group Use Only -- Eligibility confirmed by: